REMARKS

(A) The Patent Examiner on Page 2 of the Office Action, has required the selection of one of the following inventions for further prosecution.

Group I. Claims 2-3, 5-10 and 16 are drawn to A Method of Making a Catalyst, classified in class 502, subclass 152.

Group II. Claim 4, drawn to Stochastic Program Coding in Fortran with Random Check Generator, classified in class 341, subclass 109.

Group III. Claims 11-15, draw to Method of Using Catalyst in Multiple Catalytic Reactors, classified in class 526, subclass 62.

(A) The Applicant respectfully selects with traverse Group I, as set forth in Claims 2-3, 5-10 and 16, drawn to a method of making a catalyst.

(B) The Patent Examiner on Page 3 of the Office Action, has stated that claims 2 -3, 5 -10 and 16 are generic to a plurality of disclosed patentably distinct species comprising one composition which can be made from the Markush group in claim 2 because each compound formed would be considered a distinct species. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

(B) From the Markush group of claim 2 the Applicant elects the single species $V_{0.19}$ $Mn_{0.24}$ $Fe_{0.32}$ $Ga_{0.25}$ O_x (see table 8 Cat. No. 4/74), with traverse.

The Applicant traverses the Requirement for Restriction for the following reasons:

Inventions I and III are not unrelated. Claims 2-10, 16 and claims 11-15 use together because the preparation of the catalyst and the determination of their activity and selectivity in the reactors of claims 11-15 is inseparably connected with the method of selection according to claims 2-10, 16.

Further, claims 11-15 are not independent claims, but are claims dependent upon claim 1, now claim 16. Also the content of

claims 11-15 is not a separate invention; but this is the best mode for preparing and testing the newly selected catalysts.

Claims 11 -15 are respectfully submitted not to be a process of using the product, as the Patent Examiner contends, but are a part of process of making the product.

Also, inventions I and II are not unrelated. Claim 16 refers in line 9 to the "arbitrarily or randomly newly structuring" and claim 4 which is dependent from claim 16 refers to one method for such randomly structuring by numerical random-check generator. That is the same mode of operation, the same function, and produces the same result.

Furthermore, the Applicant traverses the requirement for election of a single disclosed species. The species are not patentably distinct because all species falling under formula (1) are to prepare and are useful for known catalytic reactions within the concept of claim 2 or 16, e.g. oxidation of propane, and are to select the process described in claims 2-3, 5-10 and 16 for the specific catalytic reaction.

The formula must be broad enough that all possible variants of the catalysts and of the individual chemical elements can be

Applicant expressly reserves the right to file a divisional patent application for the non-selected inventions and for the non-elected species.

For all these reasons, it is respectfully requested that the requirement for restriction under 35 U.S.C. 121 be withdrawn. An action on the merits of all the claims is respectfully requested.

Respectfully submitted,

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fixed, prepared and selected by the inventive process. All species are obvious variants because the invention is not the selected catalyst but the way to achieve such catalyst.

In addition, it is believed that the present invention is directed to a unitary inventive concept, namely a method for preparing a solid catalyst. Thus, it is believed that any search for the invention embodied in Group I claims 2-3, 5-10 and 16 would necessarily include a search for the invention embodied in Group II, Claim 4, and Group III, Claims 11-15. Thus, a simultaneous search for all of the Groups is believed not to constitute an unreasonable search for the Patent Examiner. In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all of the Groups. Also, the necessity of filing multiple patent applications for the same invention does not serve to promote the public interest. This is because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.